

Central Administrative Tribunal Lucknow Bench Lucknow
Review Application No: 106/2004 IN O.A. NO: 255/96.
this, the 20th day of January, 2005.

HON'BLE SHRI S.P. ARYA MEMBER(A)
HON'BLE SHRI M.L. SAHNI MEMBER(J)

Indra Narayan Singh, son of Sri Surya Narayan Singh,
resident of Village-Ishwerdaspur, Pargana and Tehsil-
salon, District-Raebareli, Departmental Branch, Post
Master, Village-Ishwerdaspur, District-Raibareli.

....Applicant.

BY Advocate Shri Sanjeev Pandey.

Versus

1. Union of Ondia, through Secretary, Ministry of
the communication, New Delhi.
2. The Superintendant of Post Offices, Distt. Raebareli.
3. The Director , Postal Services, District, Lucknow.

...Respondents.

ORDER (BY CIRCULATION)

BY Hon'ble Shri S. P. Arya Member(A)

The present review application has been
filed by the review applicant seeking review of the
order dated 11.3.2004 passed in O.A. No. 255/96.

2. We have perused the order dated 11.3.2004 and
have also perused the review application.

3. We do not find any apparent error on the
face of the record or discovery of new material
despite the due deliverance^{given} at the time of
final hearing_{could not be produced.} By way of this Review Application,
applicant seeks to re-argue the case which is not
permissible. The present Review Application is not
maintainable as per the provisions of Section 22
(3)(f) of the AT Act, 1985 read with Order 47 Rule
(i) of the CPC and also in view of the ratio laid
down by the Apex Court in Tarit Ranjan Das 2004 SCC
(L&S) 160.

4. The review applicant has also stated that
in the grounds that the order passed in the O.A. was
not communicated to the counsel for the applicant. It
is noted that the Counsel for applicant did not

appear on the date of hearing. Rule 22 of the CAT (Procedure) Rules, 1987 provides for communication of final orders to the applicant. It appears from the office report that since the order in the O.A. was not collected by the counsel of the applicant, it was sent to the applicant on the address given in the O.A. by registered post on 8.4.2004 as per rules. Undelivered envelope has not been returned till 16.12.2004. It will be presumed that the same has been served upon the applicant. The plea of non-service of order is accordingly rejected.

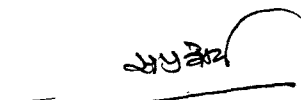
5. Review Application has been filed on 3.12.2004, the Review should have been filed within 30 days of the communication of the order. This R.A. is miserably barred by time. Explanation given by the applicant having not received the copy of the order, in view of the above, order having being communicated by the registered post, is not accepted. The review is highly barred by time as well. Moreover, the O.A. has been decided on merit and the order thereon can not be said ex-parte.

6. In view of the above, Review Application is rejected in circulation stage itself without issue of notice to the opposite parties.



(M.L. SAHNI)

MEMBER(A)



(S.P. ARYA)

MEMBER(A)

HLS/